

## Testimony By Paul DeGregorio, Ray Martinez III, Donetta Davidson, Gracia Hillman

Good morning Mr. Chairman and Members of the Committee. The U.S. Election Assistance Commission (EAC) is pleased to be here to discuss changes in the election administration process that have been effectuated by the Help America Vote Act of 2002 (HAVA) and the role that EAC plays in supporting the states and local governments in implementing HAVA reforms. In our testimony, we will review the new election administration requirements imposed by HAVA, the efforts of election administrators to implement those changes, and what America can expect from its elections in 2006.

Although EAC is amongst the smallest of independent Federal commissions, it may have the greatest impact on the largest number of persons. The changes that EAC has helped states and local governments make in Federal election administration will affect every voter in this country. We appreciate the vested interest that this Committee has in our work and the support we have received. We recognize the importance of what you have done for America as the authorizers of HAVA and look forward to today's discussions.

### INTRODUCTION

EAC is a bipartisan commission consisting of four members: Paul DeGregorio, chairman; Ray Martinez III, vice chairman; Donetta Davidson; and Gracia Hillman. In addition to the four commissioners, EAC employs 19 full-time staff persons.

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EAC's mission is to guide, assist, and direct the effective administration of Federal elections through funding, innovation, guidance, information and regulation. In doing so, EAC has focused on fulfilling its obligations under HAVA and the National Voter Registration Act (NVRA). HAVA charges the EAC with assisting the 50 states, four territories and the District of Columbia in implementing HAVA's election reform measures including provisional voting, voting information, updated and upgraded voting equipment, statewide voter registration lists, administrative complaint procedures, and voter identification requirements and procedures. Pursuant to HAVA and NVRA, EAC is responsible for developing the National Voter Registration form, collecting information for Congress and advising states of their responsibilities. HAVA also makes EAC responsible for collecting information on the number of ballots sent to and returned by military and overseas voters.

EAC has employed four strategic objectives to meet these statutory requirements: Distribution and Management of HAVA Funds, Aiding in the Improvement of Voting Systems, National Clearinghouse of Election Information, and Guidance and Information to the States. Each of these programs will be discussed more fully below.

## HAVA ELECTION REFORMS

In October 2002, Congress, with the leadership and overwhelming bipartisan support of the members of this Committee, passed HAVA. HAVA represents an unprecedented effort by Congress to enhance the administration of Federal elections through funding, guidance and policies. HAVA was not contemplated as a short-term or partial solution to the issues and problems with the administration of Federal elections that came to the forefront during the 2000 elections. The law recognized the need to invest in our election infrastructure and set out a comprehensive program of funding, guidance, and ongoing research that spans the course of many years.

HAVA established three major funding programs to facilitate improvements in the administration of elections, and Congress appropriated more than \$3 billion in funding to be distributed through those programs. Funds distributed under HAVA may be used for the following purposes: (1) to improve voting systems, (2) to establish and implement a statewide voter registration list, (3) to implement provisional voting, (4) to provide information to the public in the polling place, (5) to verify and identify voters in the voter registration and voting processes; and (6) to otherwise improve the administration of elections for Federal office. Each of these uses is discussed in detail below.

### Improving Voting Systems

HAVA established minimum requirements for voting systems used in Federal elections. Each voting system must:

- Permit the voter to verify the selections made prior to casting the ballot;
- Permit the voter to change a selection prior to casting the ballot;
- Notify the voter when an overvote occurs (making more than the permissible number of selections in a single contest);
- Notify the voter of the ramifications of an overvote;
- Produce a permanent paper record that can be used in a recount or audit of an election;
- Provide accessibility to voters with disabilities;
- Provide foreign language accessibility in jurisdictions covered by Section 203 of the Voting Rights Act; and
- Meet the error rate standard established in the 2002 Voting System Standards.

According to HAVA, the requirement for access for voters with disabilities can be satisfied by having one accessible voting machine in each polling place. In addition to these requirements, Congress provided an incentive for states that were using punch card or lever voting systems by providing additional funding on a per precinct basis to replace those outdated systems with a voting system that complies with the requirements set out above.

### Statewide Voter Registration Lists

HAVA requires that the name of every registered voter in a state be contained on a centralized, computerized list that is defined, maintained, and administered by the state. The list must act as the official list of registered voters. Each voter that is entered on the list must be assigned a unique numerical identifier. Furthermore, the list must be compared with other state and Federal data sources, such as the state motor vehicles list, state and Federal lists of convicted felons, death records from vital statistics, and social security records to verify the identity of the registrant.

## Provisional Voting

Although many states had some provision for fail-safe, affidavit or even provisional voting, HAVA established a uniform program for provisional voting to be applied by all states in Federal elections. Persons who appear at a polling place on Election Day and whose names are not contained on the list of registered voters must be given a provisional ballot if those persons certify that they are registered voters and are eligible to vote in the election. A provisional ballot is counted only if the person's registration and eligibility are confirmed after the election. HAVA further requires that there be a mechanism to notify the provisional voter if his or her ballot was counted and if not, why not.

## Polling Place Information

Section 302(b) of HAVA requires the following information to be posted in the polling place on Election Day:

- A sample ballot;
- Date of the election;
- Hours that the polling place is open;
- Instructions on how to vote (casting a ballot or voting a provisional ballot);
- Instructions for persons who registered to vote by mail;
- Instructions for first-time voters;
- Information on voting rights; and
- General information on Federal and state laws regarding fraud and misrepresentation.

## Verification and Identification of Voters

All persons who register to vote after January 1, 2003 must provide their driver's license number, if they have one. If the registrant does not have a driver's license, the last four digits of the person's social security number are required. An election official must verify this information and is prohibited from processing the voter registration if this identifying information is not provided. Only when the applicant has been issued neither a driver's license nor a social security number may the election official assign a unique identifier and process the application without the required information.

HAVA requires that all persons who register by mail present identification upon voting for the first time in a Federal election. That identification can be a picture identification card issued by a government or a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter provided the required information discussed above (driver's license number or last four digits of the social security number) and that information is verified, then the first-time voter is not required to provide identification at the polls.

#### Improving the Administration of Elections for Federal Office

HAVA also allows states to use the funding to improve the administration of elections for Federal office. Although there are countless potential ways that a state could use HAVA funds to improve the administration of elections for Federal office, HAVA identified some specific uses in Section 101:

- Educating voters concerning voting procedures, voting rights and voting technology;
- Training election officials, poll workers, and election volunteers;
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting ballots;
- Improving the accessibility and quantity of polling places, including physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language;
- Establishing toll-free

telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

## ROLES AND RESPONSIBILITIES UNDER HAVA

Elections in this country are conducted based upon a decentralized system. Local government entities, such as counties and in some cases towns and cities, are primarily responsible for the administration of elections, whether local, state or Federal. In a few instances, the state is the entity primarily responsible for election administration. Even in those cases, the local governments are still responsible for a great deal of the work. HAVA recognized the important role of the states in conducting Federal elections while at the same time requiring a nationwide effort to make the administration of Federal elections more uniform and consistent. Under HAVA, Federal, state and local governments each participate in meeting its requirements.

### State and Local Government Responsibilities Under HAVA

#### States Exercise Responsibility in Implementing HAVA

States and local governments are responsible for planning, buying new systems, and implementing the reforms of HAVA. For example, while HAVA requires that states update voting equipment, it does not specify the type or brand of voting equipment. The decision of which voting system best fits the needs of a state or local jurisdiction is left to those entities. Similarly, the structure and operation of the state's database of registered voters are decisions left to the state, limited only by the required functions set forth in HAVA.

The states have exercised these responsibilities and have made choices that best suit their specific needs. For instance, at least 25 states require voter verifiable paper audit trails (VVPAT). Conversely, 18 states have opted to implement or continue the use of electronic voting without this additional measure.

Another example of states exercising their responsibilities has been how to structure their statewide voter registration lists. The vast majority of states have opted for a "top-down" model, which uses a single central computer for the maintenance of the state's official voter list. However, nine states use a "bottom-up" or hybrid model. The bottom-up approach allows counties to maintain their own distinct databases while requiring them to upload that information on a regular basis to the state for verification and matching purposes. The cleaned list is then transmitted back to the counties and serves as the official list of registered voters. A hybrid system employs some elements of both the "top-down" and "bottom-up" models.

Ways of implementing the voter identification requirements set forth in Section 303(b) of HAVA also vary from state to state. While some states opted to implement the minimum identification requirements for first time voters who registered to vote by mail, others employ a more comprehensive method, adopting voter identification requirements for all voters, regardless of how they registered to vote or whether they are voting for the first time.

#### States Are Responsible for Appropriate Use of HAVA Funds

Each state is the official grantee of HAVA funds, and it is ultimately responsible for the appropriate use of the funds, regardless of whether the funds are spent by the state or the local government. States are responsible for providing regular reports on the use of HAVA funds by both the state and local government entities within the state. If funds are not used timely, such as in the case of the replacement of lever and punch card voting systems, or if funds are used for expenses not allowed under HAVA, the state bears the responsibility for repaying those funds.

#### States Are Ultimately Responsible for Implementation of HAVA

States and local governments have their own distribution of powers regarding decisions on voting systems and other issues that affect HAVA implementation. However, because HAVA charges states with primary responsibility for implementing compliant voting systems, statewide voter registration lists, provisional voting and the other requirements of HAVA, the state bears the responsibility for meeting these requirements regardless of level of participation or decisions made by local governments. Based upon the funding agreements between states and local governments, local governments may have responsibility to the state if they fail to meet one or more of the mandates of HAVA.

## Federal Government Responsibilities Under HAVA

The responsibility of the Federal government under HAVA is divided among several different agencies that are responsible for disbursing funds, giving guidance to the states, monitoring the use of HAVA funds, and enforcing the requirements of HAVA.

### Election Assistance Commission

HAVA directs EAC to distribute and monitor the use of HAVA funds, assist the states with voting technology improvements, certify voting systems according to national standards, provide guidance and assistance to the states regarding the meaning and implementation of HAVA, and establish a national clearinghouse of election administration information. In addition, EAC is responsible for enforcing compliance with Section 102 of HAVA by reclaiming funds based on the number of precincts in a state that do not comply. Each of these responsibilities will be discussed in detail below.

### General Services Administration

Prior to the existence of EAC, which became operational in 2004, the General Services Administration (GSA) was responsible for establishing the funding programs authorized under HAVA. GSA received certifications and distributed funds under Sections 101 and 102 of HAVA.

### Health & Human Services

The Department of Health and Human Services is authorized to and has distributed grants to improve accessibility of polling places and voting processes to persons with disabilities.

## Department of Justice

The Department of Justice (DOJ) has the responsibility of enforcing the provisions of HAVA. DOJ enforces whether a state has met the requirements of Title III, but does not have enforcement authority over the other titles of HAVA. To date, New York and Alabama have been sued by DOJ for failure to meet HAVA's mandates. In addition, prior to January 1, 2006 and the occurrence of the HAVA deadlines, DOJ entered into a consent agreement with the state of California regarding their list of registered voters.

## Government Accountability Office

GAO is responsible under HAVA for conducting one audit during the course of the HAVA program. In addition to this work, GAO has completed several reviews of election administration practices and election systems in response to requests by members of Congress.

## EAC'S ROLE AND RESPONSIBILITIES UNDER HAVA

### Distribution and Management of HAVA Funds

HAVA represents the first time, Federal funds have been provided to improve the administration of Federal elections. Other Federal legislation was enacted to impose limitations and requirements on the administration of elections, but never before had those expectations been backed by Federal funding. Congress appropriated more than \$3,000,000,000 to help states meet the requirements of HAVA and improve the administration of Federal elections. HAVA programs such as the College Poll Worker program, the National Parent-Student Mock election, and the program to ensure access for individuals with disabilities have been funded by Congress in the amounts of \$950,000, \$400,000, and \$33,000,000, respectively.

All HAVA sections 101, 102 and 251 funds appropriated have been distributed. The tables located on EAC's website (Title II Requirements Payments & Early Money) show the disbursement of funds by category and fiscal year. The graphic below shows the funds distributed to each state, including funds distributed by the Department of Health and Human Services under Section 261 of HAVA.

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### Responsible Stewardship of HAVA Funds

Now that the election reform funding has been distributed, EAC is working to ensure that states are good stewards of these Federal funds. To monitor the use of these funds, EAC issues guidance and answers questions on the appropriate use of HAVA funds, reviews reports submitted by the states and territories on expenditure of the funds, and conducts assessments and audits of the states.

### Appropriate Uses of HAVA Funds

HAVA specifically limits the use of funds distributed under the various funding programs. These uses include purchasing voting equipment to replace punch card or lever voting systems, implementing provisional voting, purchasing equipment and software to build statewide voter registration lists,

as well as various activities aimed at improving the administration of Federal elections. To help clarify the appropriate uses of HAVA funds, EAC and GSA applied OMB Circulars A-87, A-102, and A-133.

In addition, EAC provided guidance and information on the appropriate use of HAVA funds in response to questions from the states. Even with these resources, EAC must answer questions daily from the fifty states, four territories and the District of Columbia about allowable expenses under HAVA.

EAC requires that states, territories and the District of Columbia report their uses of HAVA funds. In the second quarter of each fiscal year, states report on their use of both Title I and Title II funds. The Title II report includes: (a) a list of expenditures for each category of activities described in Title III; (b) the number and types of voting equipment obtained with the funds; and (c) an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the state plan. Title I reports require states to: (1) disclose, in separate reports for section 101 and 102 funds, the financial activity for the previous calendar year on a Standard Form 269; and (2) provide the same detail on the expenditures that is required for the reports on Title II requirements payments. EAC conducts a detailed review of each report to validate that the expenditure of funds met the requirements of HAVA and was in accordance with plans filed by the state or territory. The states' Title I and Title II reports are available to the public upon request.

## Auditing

Section 902 of HAVA gives EAC and other HAVA granting agencies the authority to conduct regular audits of HAVA funds. EAC's audit activity is conducted through EAC's Office of the Inspector General (OIG), which currently conducts two types of reviews to determine if the states are exercising sufficient controls and using HAVA funds distributed for appropriate purposes. One is an assessment of procedures each state uses to administer and monitor HAVA funds, as well as a review of certain critical elements such as whether the state has maintained sufficient matching funds. On a concurrent track, OIG will commission audits of several states each year to more fully review the state's internal controls, processes, procedures, and transactions to ensure compliance with Government Auditing Standards.

In addition to EAC's regular audits, HAVA also provides for two other means of extraordinary audit authority: (a) funds are subject at least once during the term of the program to an audit by the Comptroller General; and (b) section 902(b)(6) of HAVA allows EAC to conduct a "special audit" or "special examination" of the funds that are subject to regular audit under Section 902(b)(1). This special audit authority covers every HAVA program, including funds distributed under Title I, Title II and programs administered by the Department of Health and Human Services. If EAC determines that a special

audit is warranted, by vote of the Commission, EAC will refer the matter to the OIG for review.

### Aiding in the Improvement of Voting Systems

One of the most enduring effects of HAVA will be the change in voting systems used throughout the country. All major HAVA funding programs can be used by states to replace outdated voting equipment. HAVA also provides for the development and maintenance of testable standards against which voting systems can be evaluated. It also provides for Federal certification according to these standards. EAC is responsible for and committed to improving voting systems through these vital programs.

### Voluntary Voting System Guidelines

One of EAC's most important mandates is the testing, certification, decertification and recertification of voting system hardware and software. Fundamental to implementing this key function is the development of updated voting system guidelines, which prescribe the technical requirements for voting system performance and identify testing protocols to determine how well systems meet these requirements. EAC along with its Federal advisory committee, the Technical Guidelines Development Committee (TGDC), and the National Institute of Standards and Technology (NIST), work together to research and develop voluntary testing standards.

On December 13, 2005, EAC adopted the first iteration of the Voluntary Voting System Guidelines (VVSG). The final adoption of the VVSG capped off nine months of diligent work by NIST and the TGDC. In May of 2005, the TGDC delivered its draft of the VVSG. EAC then engaged in a comprehensive comment gathering process, which included gathering comments from the general public as well as from members of its Board of Advisors and Standards Board. Interested persons were able to submit comments on-line through an interactive web-based program, via mail or fax, and at three public hearings (New York, NY; Pasadena, CA; Denver, CO). EAC received more than 6,000 individual comments. EAC teamed up with NIST to assess and consider these comments, many of which were incorporated into the final version.

The VVSG is an initial update to the 2002 Voting System Standards focusing primarily on improving the standards for accessibility, usability and security. These testing guidelines also incorporated standards for reviewing voting systems equipped with voter verifiable paper audit trails (VVPAT)[1] in recognition of the many states that now require this technology. VVSG also establishes testing methods for assessing whether a voting system meets the guidelines.

Significant work remains to be done to fully develop a comprehensive set of standards and testing methods for assessing voting systems and to ensure that they keep pace with technological advances. In FY 2007, EAC along with TGDC and NIST, will revise sections of the VVSG dealing with software, functional requirements, independent verification, and security and will develop a comprehensive set of test suites or methods that can be used by testing laboratories to review any piece of voting equipment on the market.

#### Accreditation of Voting System Testing Laboratories

HAVA Section 231 requires EAC and NIST to develop a national program for accrediting voting system testing laboratories. The National Voluntary Laboratory Accreditation Program (NVLAP) of NIST will conduct the initial screening and evaluation of testing laboratories and will perform periodic reevaluation to verify that the labs continue to meet the accreditation criteria. When NIST has determined that a lab is competent to test systems, the NIST director will recommend to EAC that a lab be accredited. EAC will then make the determination to accredit the lab. EAC will issue an accreditation certificate to the approved labs, maintain a register of accredited labs and post this information on its website to fully inform the public about this important process.

In July 2005, NVLAP advertised for the first class of testing laboratories to be reviewed under the NVLAP program and accredited by EAC. Five laboratories have applied for the accreditation program. Pre-assessments of these laboratories began in April 2006 and formal review is proceeding. NVLAP anticipates that those laboratories will be reviewed and those that are eligible to be recommended for accreditation will be delivered to EAC in fall 2006.

In late 2005, EAC invited laboratories that were accredited through the National Association of State Election Directors (NASSED) program as Independent Testing Authorities (ITAs) to apply for interim accreditation to avoid a disruption or delay in the testing process. All three ITAs have applied for interim accreditation. Interim accreditation reviews by EAC

contractors will begin in spring 2006. ITAs will be accredited on an interim basis until the first class of laboratories is accredited through the NVLAP process. After that time, all testing labs must be accredited through the NVLAP evaluation process.

### The National Voting System Certification Program

In 2006, EAC is assuming the duty of certifying voting systems according to national testing standards. Previously, NASED qualified voting systems to both the 1990 and 2002 Voting System Standards. EAC's certification process will constitute the Federal government's first efforts to standardize the voting system industry. EAC's program will encompass an expanded review of voting systems, and it will utilize testing laboratories and EAC technical reviewers. The program will also include quality control assessments, field monitoring, vendor registrations, and enhanced public access to certification information.

Historically, voting system qualification has been a labor intensive process to ensure the integrity and reliability of voting system hardware, software and related components. In six months, NASED received 38 separate voting system test reports for review and qualification. All requests must be received, processed and monitored while the testing laboratory is assessing compliance. Once a test report is produced, technical reviewers must analyze the reports prior to recommending systems for certification. Based upon the NASED data, this process will take anywhere from four to 120 hours per report. In addition, EAC's enhanced testing and certification program will require reviewers to evaluate voting system technical data packages prior to testing, which will take an additional four to 20 hours per voting system.

### National Clearinghouse of Election Information

HAVA establishes EAC as a national clearinghouse of election information, which means EAC studies and provides research about a range of issues including best practices in election administration, hours and places for voting, and election data. EAC has conducted extensive research on a variety of topics related to election administration, begun collecting election-related data annually, and compiled election-related resources such as statutes and regulations.

This information is presented to the election community and to the public through the EAC's website as well as through formal reports on studies and data

collections. Using EAC's website as its main means of transmitting information to the public is a useful, accessible and cost effective tool and it will provide the public with the transparency and disclosure that it deserves and expects. As its studies, guidance and best practices are completed, EAC will have an increasing amount of information to store and display through its website. EAC will also use the website to provide information about the VVSG and certification program. Through this clearinghouse, EAC positions itself as a primary source of information about Federal elections.

## Research and Study

HAVA requires EAC to conduct a number of studies and provides considerable discretion to research other election administration issues to assist states in their efforts to improve election reform. EAC uses its Federal advisory committees to assist in prioritizing research topics that are important to and that will assist election officials. In 2006, EAC will produce guidance, best practices and reports on the following research topics:

- Improving Data Collection
  - a project focused on combining the Election Day, NVRA and UOCAVA surveys into a single, on-line and user-friendly survey instrument that will be used to collect data on the 2006 Federal election
- Election Management
  - Guidelines - a project to develop a comprehensive set of management procedures and training for employees and poll workers. The Management Guidelines will complement the Voluntary Voting System Guidelines and cover the following topics:
- Storage of equipment
- Equipment set up
- Acceptance testing
- Procurement

- Use
  - Logic and accuracy  
(validation) testing
  - Tabulation
  - Security protocols  
(all phases-storage, set up, transport and Election Day)
  - Training of  
employees/poll workers
  - Education for voters
- 
- Effective Designs for  
Ballots and Polling Place
    - a collection of best practices for ballots and voter information/signage  
that is posted in polling places
  - Best Practices for Poll  
Worker Training, Recruitment and Retention
  - Best Practices for College  
Poll Worker Training, Recruitment and Retention
  - Vote Fraud and Voter  
Intimidation-a thorough review nationwide of laws and procedures that  
address these issues
  - Vote Count/Recount  
Procedures-a review of recount laws and procedures used throughout the  
country with an eye toward developing best practices for election  
officials
  - Legal Resources  
Clearinghouse - a web-based application that will house a database  
containing statutes, rules, and regulations as well as state and Federal court  
decisions

In FY 2007, EAC will focus on completing the research required by HAVA on the use of social security numbers in voter registration, standards for internet voting, and the possibility of postage-free absentee voting. EAC will also collect and analyze data from the 2006 Federal elections including voter turnout, absentee voting, voter registration, and military and overseas citizen voting. The 2006 Election Day Survey will provide comprehensive data indicating the progress states have made in implementing HAVA as well as information about how and where Americans vote.

## Guidance and Information to the States

HAVA established EAC to provide guidance and assistance to the states on implementation of the law and transferred to EAC the responsibility of implementing the NVRA. EAC has provided valuable guidance to the states on what HAVA means, implementing the law, and appropriate use of HAVA funds. In FY 2007, EAC will continue that work by developing election management guidance, expanding on its voter registration data base guidance, and by updating and revising the NVRA regulations and national voter registration form. The election management guidance is a comprehensive companion document to the VVSG that will assist states in managing an election from receipt of voting equipment to the reporting of results to the canvass or recount that may follow. EAC's continued work on voter registration lists will study the appropriate use of security measures, verification of voter information using appropriate matching protocols, and sharing information with other state agencies and, ultimately, with other states. EAC will address issues involving voter registration using the Federal form by updating the NVRA regulations and the Federal registration form.

## 2006: A YEAR OF CHANGE, CHALLENGE AND PROGRESS

The Federal elections in 2006 have and will mark a significant change in the administration of elections. In compliance with HAVA, states have purchased and implemented new voting systems. There is a strong shift to electronic voting, although optical scan voting is still popular. In addition, states have imposed new requirements on their voting systems, and they have implemented their own testing programs for voting systems they purchase. And, in at least 25 states, voter verified paper audit trails (VVPAT) have been required for all electronic voting. Due to the introduction of new voting systems throughout the nation, the voter's experience at the polls will be quite different in 2006 than it was in 2000. It is estimated that one in three voters will use different voting equipment to cast their ballots in 2006 than in 2004.

Voters with disabilities will likely experience the most dramatic changes. For the first time, every polling place must be equipped with voting machines that allow them to vote privately and independently. For many voters with disabilities, this may be the first time that they will cast ballots without the assistance of another person.

Voting systems do not represent the only changes in election administration that will be apparent in 2006. States have also developed statewide voter registration lists, which will provide the ability to verify voters' identity

by comparing information with other state and Federal databases. This will result in cleaner voter registration lists and fewer opportunities for fraud. Another anticipated benefit of the statewide lists will be a significantly reduced need for provisional ballots, as was the case in states that had statewide voter registration lists in 2004.

This year is one of transition, which is difficult to overcome in any business; elections are no different. The introduction of new equipment will present some challenges and hurdles to overcome. For state and local governments, there are also a host of new obligations. They must receive and test a fleet of new voting equipment. Training for staff and poll workers must be organized and conducted. And, extensive education programs must be implemented to inform the public about the new voting equipment.

Although EAC cannot be on the ground in every jurisdiction to lend a hand in these tasks, we are issuing a Quick Start Guide to assist election officials as they implement new voting systems. We also encourage states to take proactive measures to test their voting systems and voter registration lists prior to the Federal elections. Such activities have proven to be an excellent tool to identify problems and solutions prior to the stresses and unpredictability of a live election.

## CONCLUSION

Over the past four years, significant changes have been made to our election administration system. New voting systems have been purchased and implemented. Each state has adopted a single list of registered voters to better identify those persons who are eligible to vote. Provisional voting has been applied across all 50 states, the District of Columbia and four territories. However, one thing has not changed. Elections are a human function. There are people involved at every level of the election process, from creating the ballots, to training the poll workers, to casting the votes.

With these changes will come unexpected situations, even mistakes. We cannot anticipate in a process that involves so many people that it will work flawlessly the first time. What we can embrace, however, is that the process has been irrevocably changed for the better. There is a heightened awareness of the electoral process in the general public. There have been significant improvements to the election administration process. And, more people have the ability to vote now than ever before.

Mr. Chairman, thank you for the opportunity to address this Committee today. We will be happy to answer any questions that you may have.